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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/870,376	05/30/2001	Jeffrey P. Bodner	279.368US1	7232

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SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.  
P.O. BOX 2938  
MINNEAPOLIS, MN 55402

EXAMINER

OROPEZA, FRANCES P

ART UNIT	PAPER NUMBER
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3762

DATE MAILED: 12/31/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/870,376

Applicant(s)

BODNER, JEFFREY P.

Examiner

Frances P. Oropeza

Art Unit

3762

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 30 May 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5, 7-20, 22, 24-26 and 28-29 are rejected under 35 U.S.C. 102(b) as being anticipated by Helland et al. (US 5545201). (figure 6; c 2, ll 32-54; c 3, ll 13-17; c 4, ll 26-30; c 4, l 55 – c 5, l 15).

As related to claims 3, 4, 10, 11, 15-17, 19, 23, 24 and 27, the insulation sheath (164), read as a sleeve or tube, is fabricated from polyurethane or another suitable plastic (c 2, ll 36-39); suitable insulating plastics are noted to be PTFE or Tefzel <sup>TM</sup> (a.k.a. ETFE) (c 4, ll 26-30).

As related to claims 1, 8, 11, 14, 18 and 25, the electrode assembly contains a fixed or movable helix electrode (144) coupled to the second conductor. The electrode is rotated and positioned using a stylet and the outer sheath (c 2, ll 49-53 and 58-60; c 4, ll 58-63; c 5, ll 9-13).

As related to claims 2, 15-18, 20 and 24, the conductors contain a single filar and are coated or covered by an insulation sheath (124) and/or an insulator (164) (figure 6).

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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3. Claims 6, 21, 23 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Helland et al. (US 5545201) in view of Altman et al. (US5845396). As discussed in paragraph 1 of this action, Altman et al. disclose the claimed invention except for redundant insulation (claim 6), the insulation being polyimide material (claim 21) and the insulation being heat-shrunk PTFE / ETFE material (claims 23 and 27).

Altman et al. teach a lead having redundant insulation for the purpose of resisting residual stresses in the cable or lead (c 3, ll 52-56). It would have been obvious to one having ordinary skill in the art at the time of the invention to have used redundant insulation in the Helland et al. lead in order to maximize the life of the lead and avoid lead fracture caused by the cardiac motion flexing the residually stressed areas of the lead (c 1, ll 13-27).

Altman et al. teach a lead with polyimide coated conductors for the purpose of resisting the residual stresses in the lead (c 2, ll 34-36 and 59-64; c 3, ll 16-20, 23-25, 33-35 and 40-42). It would be an obvious design choice to fashion the insulation by substituting one known lead insulating material for another as a mere substitution of known functional equivalents in order to maximize the life of the lead and avoid lead fracture caused by the cardiac motion flexing the residually stressed areas of the lead (c 1, ll 13-27).

Altman et al. teach a lead with heat-shrunk PTFE / ETFE insulated conductors for the purpose of resisting the residual stresses in the lead (c 2, ll 34-36 and 59-64; c 3, 26-42; c 7, ll 11-17). It would be an obvious design choice to fashion the insulation by substituting one known lead insulating material and insulating process for another as a mere substitution of known functional equivalents in order to maximize the life of the lead and avoid lead fracture caused by the cardiac motion flexing the residually stressed areas of the lead (c 1, ll 13-27).

***Other Prior Art Cited***

The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure. US 4840186 to Lekholm et al. teaches a lead with individually insulated multi-pole multi-filament helix wound conductors, axially separated by insulation.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Fran Oropeza, telephone number is (703) 605-4355. The Examiner can normally be reached on Monday – Thursday from 6 a.m. to 4:30 p.m.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's Supervisor, Angela D. Sykes can be reached on (703) 308-5181. The fax phone number for the organization where this application or proceeding is assigned is (703) 306-4520 for regular communication and for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Receptionist, telephone number is (703) 308-0858.

Frances P. Oropeza  
Patent Examiner  
Art Unit 3762

*FPO*  
*12/23/02*

*[Signature]*  
JEFFREY R. JASTRZAB  
PRIMARY EXAMINER

*3762*  
*12/27/02*